

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

STEVEN MULLINS,

Petitioner,

v.

STATE OF WASHINGTON, STEVE
SINCLAIR,

Respondent.

CASE NO. C12-5204 RBL

ORDER

This Court referred Petitioner Steve Mullins's petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. Seeking relief from a state conviction, Mullins filed his petition under 28 U.S.C. § 2254. In June of 2012, the Court stayed the proceedings and held Mullins's petition in abeyance so that he could exhaust his claims in state court. While Mullins's petition was held in abeyance, the Court required him to submit periodic status reports to the Court. Mullins failed to file the report that was due on June 11, 2013. The Stay in this action expired on June 21, 2013.

The Court entered an order to show cause and directed Mullins to respond by August 9, 2013, but Mullins failed to respond. Judge Creatura issued his report and recommendations on August 14, 2013, recommending that the petition be dismissed with prejudice. On September 3,

1 2013, Mullins filed his objection to Judge Creatura's report and recommendations. Mullins's
2 objection offers no explanation for his failure to file the status report that was due on June 11th,
3 or his failure to respond to the Court's show cause order.

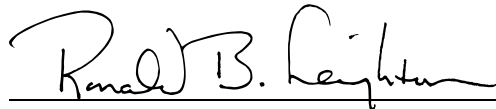
4 The Court, having reviewed the Report and Recommendation of the Hon. J. Richard
5 Creatura, the objection to the Report and Recommendation, and the remaining record, does
6 hereby find and Order:

7 (1) The Court adopts the Report and Recommendation;

8 (2) Petitioner has failed to comply with a Court order and failed to respond to an

9 Order to Show Cause. The Court dismisses this petition with prejudice pursuant
10 to Fed. R. Civ. P. 41(b). No certificate of appealability will be issued.

11 Dated this 20th day of September, 2013.

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14 RONALD B. LEIGHTON
15 UNITED STATES DISTRICT JUDGE
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